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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,743	05/26/2004	Bradley James Baxter	49925.830001.US0	3742
26582	7590	02/19/2009	EXAMINER	
HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201				KING, BRADLEY T
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRADLEY JAMES BAXTER

Application No. 10/709,743
Technology Center 3600

Mailed: February 18, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 9, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF

A review of the file indicates that the “SUPPLEMENTAL APPEAL BRIEF” filed January 18, 2008 is defective. The copy of the appealed claims contained in the Appendix to the brief is inconsistent with the Amendments filed February 27, 2007, which Amended claims 1, 12 and 26. Claims 12 and 26, second paragraphs, should read “substantially” instead of generally as amended on February 27, 2007. Also, the Appeal Brief filed January 18, 2008, has the Serial No. 11/410,760 at the top of brief from pages 2 through the appendix. Correction is required for clarification of the record. A Supplemental Appeal Brief is required for the claims appendix.

CONCLUSION

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- 1) to hold the Appeal Brief filed January 18, 2008, defective;
- 2) notify appellant to file a Supplemental Appeal Brief with a correct copy of claims for the Claims Appendix and the correct Serial No.;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief; and
- 4) for such further action as may be appropriate.

Application No. 10/709,743

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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